

Remarks/Arguments

Claims 1-20 were pending in this application. In the June 26, 2008, Office Action, claims 1-14, 19 and 20 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Claims 1-5, 8, 9 and 19 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,304,865 to Christensen et al. (hereinafter "*Christensen*") in view of U.S. Patent No. 7,107,109 to Nathan et al. (hereinafter "*Nathan*"). Claims 6 and 12-14 were rejected under 35 U.S.C. § 103(a) as being obvious over *Christensen* in view of *Nathan*, and further in view U.S. Patent No. 6,157,505 to Prockup (hereinafter "*Prockup*"). Claims 19, 20 and 1-14 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Application Publication No. 2002/0083419 to Li et al. (hereinafter "*Li*") in view of U.S. Patent No. 5,715,369 to Spoltman et al. (hereinafter "*Spoltman*"), and further in view of *Prockup*.

By this amendment, claims 15-18 have been cancelled without prejudice or disclaimer. Claims 1, 2, 8-14, 19, and 20 have also been amended. Following entry of this amendment, claims 1-14, 19, and 20 will be pending in the present application. For the reasons set forth below, the applicant respectfully requests reconsideration and immediate allowance of this application.

Interview Summary

A telephonic interview occurred between Examiner Lee and the undersigned, Jodi Hartman, on September 11, 2008. Also present at the interview was W. Randy King, counsel for Applicant. Applicant wishes to thank the Examiner for taking time to discuss the application with counsel over the phone. During the interview, proposed amendments to independent claim 1 were discussed. In particular, the undersigned and Mr. King discussed aspects of the amendments made to overcome the 35 U.S.C. § 112, second paragraph, rejections as well as the rejection under 35 U.S.C. § 103(a) over *Christensen* and *Nathan*. The Examiner acknowledged the distinctions discussed between the invention and the cited art, and indicated a new search would likely be required.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 1-14, 19 and 20 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action alleges that it is unclear to which digital format tone the recited limitation “the digital format tone” in claims 1 and 19 refers. Independent claims 1 and 19 have been amended to recite a “first digital format tone” and a “second digital format tone” in order to more clearly distinguish the generated digital tone from the recorded digital tone. Claims 2, 8-14, and 20 have also been correspondingly amended. Accordingly, Applicant respectfully submits that the rejections under 35 U.S.C. § 112, second paragraph, have been overcome and request these rejections be withdrawn.

Claim Rejections Under 35 U.S.C. § 103(a)

Independent Claims 1 and 19

Independent claims 1 and 19 were rejected under 35 U.S.C. § 103(a) as being obvious over *Christensen* in view of *Nathan*. Applicant respectfully submits that *Christensen* and *Nathan*, either separately or together, fail to teach, suggest, or describe each recitation of these claims, as amended. In particular, neither *Christensen* nor *Nathan* describes or suggests “looping the analog format tone through an internal loopback mechanism of the audio sound card,” as recited in amended claims 1 and 19. *Christensen* shows a loopback connector installed externally to a sound card in a computer. *Christensen*, Fig. 3A. The loopback connector is described as a “straight through cable” connected to the “output audio jack” and “input audio jack” of the audio card. *Id.* at Col. 3, Line 53 – Col. 4, Line 6. *Christensen* fails to disclose the use of an internal loopback mechanism of the audio sound card to loop the signal from the output to the input during testing of the audio sound card, as recited in independent claims 1 and 19, as amended.

Further, Applicant submits that using an external loopback cable to test an audio sound card, as described in *Christensen*, is not equivalent to using an internal loopback mechanism of the sound card, as recited in Applicant’s amended claims 1 and 19. The use of the internal loopback mechanism obviates the need for an external loopback cable, thus making the methods of Applicant’s claims able to be performed without requiring physical interaction of testing personnel with the audio sound card or computer. Moreover, the Office Action did not rely on

Nathan to cure the above-identified deficiency of *Christensen*, and Applicant respectfully asserts that *Nathan* does not cure the above-identified deficiency.

Independent claims 1 and 19 were further rejected under 35 U.S.C. § 103(a) as being obvious over *Li* in view of *Spoltman*, further in view of *Prockup*. Applicant respectfully submits that the cited art does not teach, suggest, or describe each recitation of these claims, as amended. In particular, the cited art does not describe or suggest “generating a first digital format tone at a synthesizer associated with an audio sound card,” as recited in amended claims 1 and 19. *Li* provides that the sound for testing a sound card “is given off by [a] software emulating signal generator.” *Li*, ¶ 0037. The signal is constructed by building sound data on a storage device of a computer using a Fourier transform at a given frequency, amplitude, and sampling period. *Id.* at ¶¶ 0014-0017. The sound data is transmitted to the broadcast device, presumably the sound card in the example provided in *Li*. Similarly, *Spoltman* provides that a speech recognition system is tested by playing a digital audio file located on a storage device of the computer. *Spoltman*, Col. 4, Lines 17-27.

Applicant submits that playing digital sound data created on a storage device via a software emulating signal generator, as described in *Li*, or playing digital audio files from a storage device on a computer, as described in *Spoltman*, is not equivalent to generating a digital signal on a synthesizer on the audio sound card, as recited in Applicant’s amended claims 1 and 19. Moreover, the Office Action did not rely on *Prockup* to cure the above-identified deficiency of *Li* and *Spoltman*, and Applicant respectfully asserts that *Prockup* does not cure the above-identified deficiency.

Nor does the cited art describe or suggest “playing the analog format tone to a mixer of the audio sound card,” as further recited in independent claims 1 and 19. Nowhere do *Li*, *Spoltman*, or *Prockup* describe a mixer component of a sound card or playing the converted analog format tone to the mixer, as recited in independent claims 1 and 19.

Accordingly, because the cited art, either separately or combined in the manner suggested in the Office Action, fails to teach, suggest, or describe each recitation of independent claims 1 and 19, as amended, Applicant submits that amended, independent claims 1 and 19 are in condition for immediate allowance and respectfully requests these rejections be withdrawn.

Dependent Claims 2-14 and 20

Dependent claims 2-5, 8, and 9 were rejected under 35 U.S.C. § 103(a) as being obvious over *Christensen* in view of *Nathan*. Dependent claims 6 and 12-14 were rejected under 35 U.S.C. § 103(a) as being obvious over *Christensen* in view of *Nathan*, and further in view of *Prockup*. Dependent claims 2-14 and 20 were further rejected under 35 U.S.C. § 103(a) as being obvious over *Li* in view of *Spoltman*, and further in view of *Prockup*. For at least the reasons that these claims depend from allowable independent claims 1 and 19, as discussed above, and contain patentable subject matter not shown in the cited references, Applicant submits that dependent claims 2-14 and 20 are in condition for immediate allowance and respectfully requests these rejections be withdrawn.

Conclusion

In view of the foregoing amendment and remarks, Applicant respectfully submits that all of the pending claims in the present application are in condition for allowance. Reconsideration and reexamination of the application and allowance of the claims at an early date is solicited. If the Examiner has any questions or comments concerning this matter, the Examiner is invited to contact the applicant's undersigned attorney at the number below.

Respectfully submitted,

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